

-10-

REMARKS

This is in response to the Office Action mailed on September 27, 2006, in which the Declaration was deemed defective; the drawings were objected to because of informalities; the specification was objected to with regard to the title, the abstract, and the disclosure; claims 11 and 32 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; claims 1, 4, 5, 12-14, 16-18, 20-23, and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bonin et al. (U.S. Pat. No. 6,683,757 – Bonin ‘757); claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonin ‘757; claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonin et al. (U.S. Pat. No. 6,785,086 – Bonin ‘086); claims 8-10 and 19 were objected to as being allowable but dependent upon a rejected base claim; and claims 26-31 and 33-35 were allowed (with claim 32 also being allowable if amended to overcome the rejection under 35 U.S.C. § 112, second paragraph). With this Amendment, a new declaration is provided to replace the defective original declaration, the drawings, title, and abstract are amended, claims 1, 11, 14, and 35 are amended, and new claim 36 is added. Claims 1-36 are pending in the present application.

Declaration

The originally filed declaration was deemed defective in the Office Action because the residence and mailing address of inventor Jeremy A. Thurn included non-initialed and non-dated alterations. Included with this Amendment is a new declaration including the required identifying application number and filing date.

Drawings

The drawings were objected to because openings 164, mentioned at page 18, line 2 of the originally filed disclosure, was not included in the drawings, and because FIG. 4C included an extraneous reference numeral 69. Included with this Amendment are a replacement sheets to drawing sheets 6/19 and 12/19 which include amendments that cure the informalities cited in the Office Action. Thus, it is respectfully submitted that the objection to the drawings be withdrawn.

Specification

The title of the invention was objected to for being not descriptive. The title of the present invention is amended in the present Amendment. Applicants believe the amended title is clearly indicative of the invention to which the claims are directed.

The abstract was objected to because it is not “within the range of 50 to 150 words,” and because it does not avoid the “form and legal phraseology often used in patent claims.” With this Amendment, a replacement Abstract is provided on a separate sheet to reduce the number of words in the Abstract to the required range and to remove means language from the abstract. Thus, the objection to the abstract should be withdrawn.

Claim 35 has also been amended to cure the informality cited in paragraph 7 of the Office Action, and thus the objection to this claim should be withdrawn.

Claim Rejections

Claims 11 and 32 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With this Amendment, claim 11 is amended to change “aluminum titanium carbide” to “alumina titanium carbide” to correspond to the disclosure at page 16, line 28, for example. In addition, claim 32 is amended to cure the inconsistency cited in paragraph 10(b) of the Office Action by referring to the portion of the cantilever beam upon which the top coat is deposited as the “first portion” of the top surface, and the portion of the cantilever beam spaced apart from the top coat as the “second portion” of the top surface. Thus, the rejections of claims 11 and 32 under 35 U.S.C. § 112, second paragraph are overcome, and they should accordingly be withdrawn.

Claims 1, 4, 5, 12-14, 16-18, 20-23, and 25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bonin ‘757. In order to reject a claim under § 102(e), the reference must teach each and every limitation of the claims. MPEP 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). With this Amendment, claims 1 and 14 are amended. Amended claim 1 recited a slider including a slider body having a leading edge and a uniplanar trailing edge and a flexure body extending from the trailing edge of the slider body such that the flexure body has a first anchor point connected to the slider body and second anchor point

connected to the transducer body. Amended claim 14 recites slider including a stator portion having a leading edge and a uniplanar trailing edge, and a spring flexure formed on the trailing edge of the stator portion and having a first end and a second end wherein the first end is attached to the stator portion.

Bonin '757 fails to disclose a slider as recited in amended claims 1 and 14. Bonin '757 disclose a slider including beam springs 98 and 100 to connect rotor portion 104 to main body 80 (FIG. 25). Trenches 97a, 97b, 99a, and 99b are etched in the slider 80 to form beam springs 98 and 100. Col. 8, lines 40-49. In other words, beam springs 98 and 100 are defined by etching back from the trailing edge of slider 80 to provide a surface that is recessed from the trailing edge of slider 80 next to beam springs 98 and 100. Thus, Bonin '757 does not teach or fairly suggest a "slider body having a leading edge and a *uniplanar* trailing edge [and] a flexure body extending from the trailing edge" as required by claim 1, or a "a stator portion having a leading edge and a *uniplanar* trailing edge [and] a spring flexure formed on the trailing edge of the stator portion" as required by claim 14. Therefore, because the recited elements of claims 1 and 14 are not disclosed by Bonin '757, the rejection of claims 1 and 14 under 35 U.S.C. § 102(e) should be withdrawn.

Claims 4, 5, 12, 13, 16-18, 20-23, and 25 were also rejected under 35 U.S.C. § 102(e) as being anticipated by Bonin '757. Claims 4, 5, 12, and 13 depend from claim 1, and claims 16-18, 20-23, and 25 depend from claim 14. As discussed above, claims 1 and 14 are not anticipated or otherwise taught by Bonin '757. Therefore, claims 4, 5, 12, 13, 16-18, 20-23, and 25 are also not anticipated or otherwise taught by Bonin '757.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonin '757, and claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonin '086. As discussed above, claims 1 and 14 are in a condition for allowance. Claim 11 depends from allowable claim 1, and claim 24 depends from allowable claim 14, and as such these claims are allowable with their respective independent base claims. In addition, it is respectfully submitted that the combinations of features recited in claims 11 and 24 are patentable on their own merits, although this does not need to be specifically addressed herein since any claim depending from a patentable

independent claim is also patentable. See MPEP 2143.03, citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Claims 2, 3, 6, 7, and 15 were previously withdrawn from consideration as being drawn to a non-elected species. Claims 2, 3, 6, and 7 depend from allowable independent claim 1, and claim 15 depends from allowable independent claim 14. Thus, claims 2, 3, 6, 7, and 15 should also be considered and allowed, since they depend from allowable generic independent claims. See MPEP 809.02 and 37 C.F.R. 1.146. In addition, claims 27, 28, and 32 were listed as withdrawn on the Office Action Summary (page 1 of the Office Action), but the Office Action indicated in paragraph 2 that these claims are no longer withdrawn since they depend from allowable claim 26.

Claims 8-10 and 19 were objected to as being allowable but dependent upon a rejected base claim. In that claims 1 and 14 are in condition for allowance, and claims 8-10 and 19 depend therefrom, the objection to claims 8-10 and 19 should be withdrawn.

The allowance of claims 26-31 and 33-35 is acknowledged. In addition, because the amendment to claim 32 overcomes the rejection of this claim under 35 U.S.C. § 112, second paragraph, it is respectfully submitted that this claim is also in allowable form.

New claim 36 is original claims 19 rewritten in independent form, which the Office Action indicated would be allowable.

First Named Inventor: Roger L. Hipwell, Jr.

Application No.: 10/729,472

-14-

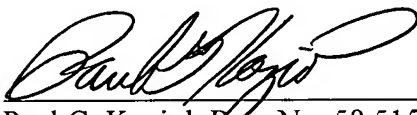
CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for allowance. Reconsideration and allowance of claims 1-35 are respectfully requested. In addition, consideration and allowance of new claim 36 are respectfully requested.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 1/29/07

By: 
Paul G. Koziol, Reg. No. 58,515

THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

PGK:hjn